

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Karen S. Bartlett

v.

Civil No. 08-cv-00358-JL

Mutual Pharmaceutical  
Company, Inc.

**ORDER**

The Motion for Judicial Notice Under Rule 201 of the Federal Rules of Evidence (document no. 199) is granted without objection. The court takes judicial notice of Sulindac's package insert as an "adjudicative fact," see Fed. R. Evid. 201, and of the various statutory and regulatory materials as "legislative facts," which "have relevance to legal reasoning and the lawmaking process, whether in the formulation of a legal principle or ruling by a judge or court or in the enactment of a legislative body." See Fed. R. Evid. 201(a), advisory committee's note (1972). The court expresses no opinion on whether the statutory and regulatory materials may be admitted as substantive evidence for the jury to consider. See Getty Petro. Mktg. v. Capital Terminal Co., 391 F.3d 312, 322 (1st Cir. 2004) (Lipez, J., concurring) (explaining that legislative facts, such as statutes, are generally "presented to the court as law, not to the jury as evidence") (citing John W. Strong, McCormick on Evidence § 335 (5th ed. 1999)).

**SO ORDERED.**

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante  
United States District Judge

Dated: July 16, 2010

cc: Keith M. Jensen, Esq.  
Bryan Ballew, Esq.  
Patrick J. O'Neal, Esq.  
Christine M. Craig, Esq.  
Eric Roberson, Esq.  
Timothy P. Beaupre, Esq.  
Jeffrey D. Geoppinger, Esq.  
Joseph P. Thomas, Esq.  
Linda E. Maichl, Esq.  
Paul J. Cosgrove, Esq.  
Stephen J. Judge, Esq.